



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

PERKINS COIE LLP  
P.O. BOX 2168  
MENLO PARK CA 94026

**COPY MAILED**

AUG 20 2007

**OFFICE OF PETITIONS**

In re Application of	:	
Daniel J. Balbierz et al.	:	
Application No. 09/823,910	:	
Patent No. 7,025,765	:	
Filed: March 30, 2001	:	DECISION ON PETITION
Issue Date: April 11, 2006	:	UNDER 37 C.F.R. §1.28(c)
Attorney Docket No. 13724-845	:	
Title: TISSUE BIOPSY AND	:	
TREATMENT APPARATUS AND METHOD	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 C.F.R. § 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR §1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR §1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR §1.28 is hereby accepted. The petition is **GRANTED** accordingly.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>1</sup>. All other inquiries

---

<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning examination procedures or status of the application  
should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Paul Shanowski". The signature is fluid and cursive, with a long, sweeping horizontal stroke at the end.

Paul Shanowski  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office